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10/632,661	08/01/2003	Steven M. Casey	20366-092000	3558

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EXAMINER
TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,661	CASEY ET AL.
	Examiner	Art Unit
	Robert M. Timblin	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-20,22 and 23* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-20,22 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action corresponds to application 10/632,661 filed 8/01/2003.

Claims 1-4, 6-7, 9-20 have been examined and are pending under prosecution.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/12/2007 has been entered.

Response to Amendment

Claims 10 and 18 have been amended while claims 22 and 23 have been added.

Accordingly, claims 10-20 and 22-23 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming
the subject matter which the applicant regards as his invention.

Claim 18 recites the limitation "the first plurality of content objects" in the "providing

limitation." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public

use or on sale in this country, more than one year prior to the date of application for patent in the United

States.

Claims 10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Elwahab et

al. ('Elwahab' hereinafter) (U.S. Patent Application 2001/0034754 A1).

With respect to claim 10, Elwahab teaches a method for utilizing content objects by a

content access point within a customer's premises, wherein the method comprises:

accessing a first content object (0024, API specification of a set of commands) from a

first content object entity (20) within a customer's premises (abstract), wherein the first content

object (0024, API specification of a set of commands) is in a first content format (0024, i.e.

wherein the API specification is in a XML of flat text format);

abstracting the data type of the first content object (0024, API specification of a set of

commands) to create a second content object (28, 30) in an abstract format (0024 and figure 1;

i.e. converting this API specification into a set of commands such as contained in a markup

language-type page), wherein the abstract format (e.g. XML) is compatible with a plurality of

content formats (30, 32; i.e. XML is a known standard for sharing information);

distinguishing (0023 and 0074, e.g. gaining access/controlling a specific computer) the

data type of the second content object (markup language-type page) to create a third content

object (i.e. a command with a smart device), wherein the third content object is compatible with

a second content object entity (i.e. the markup language-type page is inherently distinguished to

communicate with the respective smart devices of figure 1) within a customer's premises

(abstract); and

providing the third content object (i.e. a command with a smart device) to the second

content object entity (smart devices of figure 1) and passing data to the smart device (0028; e.g.

sending a command to a smart refrigerator).

With respect to claim 17, Elwahab teaches querying each of the first plurality of content

object entities to identify a first plurality of content objects as discovery mode [0037];

and providing an access point (as a PC within the premises; [0062]), wherein the access

point indicates the first plurality of content objects (commands, [0038]), and one or more of the

second plurality of content object entities 120 to which each of the first plurality of content

objects can be directed (i.e. smart devices.

Claims 18-20 and 22-23 are rejected under 35 U.S.C. 102(e) as being taught by Eytchison

et al. ('Eytchison' hereinafter) (U.S. Patent Application 2003/0046437).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

With respect to claim 18, A method for accessing content objects within a customer premises by a content access point, the method comprising:

identifying content object entities (drawing reference 102-105) within the customer premises (0010; i.e. a home network of consumer devices);

grouping the identified content object entities (102-105) into a first plurality of content object entities (figure 1, 100) and a second plurality of content object entities (figure 1, 120), wherein the first plurality of content object entities (figure 1, 100) are sources (paragraph 0035, content sources) of content objects (figure 1; e.g. a list of movies), and wherein the second plurality of content object entities (figure 1, 120) are destinations of content objects capable of utilizing the content objects (0036; e.g. Eytchison teaches streaming a movie on a DVD player (i.e. source) to a television (destination);

providing a guide (120), wherein the guide indicates the first plurality of content objects (453, movie list), and one or more of the second plurality of content object entities (figure 1, 120) to which each of the first plurality of content objects can be directed (figure 1, a user selected device).

With respect to claim 19, the method of claim 18, wherein the method further comprises:

mixing two or more content objects from the first plurality of content object entities (0035; i.e. a build service to construct customized content) to form a composite content object (0035; e.g. a digital "photo album"); and

providing the composite content object (0035; e.g. a digital "photo album") to one of the second plurality of content object entities (e.g. a hard drive 102).

With respect to claim 20, the method of claim 18, wherein the method further comprises:

accessing a first content object from one of the first plurality of content object entities (0040);

eliminating a portion of the content included with the first content object to create a second content object (0040; i.e. modifying and removing content); and

providing the second content object to one of the second plurality of content object entities (e.g. a hard drive 102).

With respect to claim 22, the method of claim 18, wherein the method further comprises:

maintaining the content objects across content object entities in different logical or physical partitions (figure 1, content devices 101-105).

With respect to claim 23, the method of claim 18, wherein the content objects comprise at least one of a voicemail object, an email object, a video object, an audio object, a document object, and an Interact web page (0035, internet viewable content and video/DVD movies).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elwahab as applied to claims 1-10, and 17-19 above in view of Jeffrey (U.S. Patent 6,576,981).

With respect to claim 11, Elwahab teaches the limitations substantially the same as claims 1-10, and 17-19 presented above.

Elwahab fails to explicitly suggest or teach accessing a fourth content object from a third content object entity; abstracting the fourth content object to create a fifth content object; and combining the fifth content object with the second content object, wherein the combination of the second and fifth content objects are distinguished to create the third content object.

Jeffrey, however, suggests these limitations by using a composite converter (col. 7 lines 14-35) for creating a composite video signal (col. 9 lines 53-55).

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because combining the

teachings of Jeffrey with Those of Elwahab would have provided the advantage of efficiently

integrating broadcast and telecommunications signals from a variety of sources. A further

advantage would be permitting interactive signal selection (col. 2 lines 16-30).

With respect to claim 12, Elwahab fails to teach these limitations.

Jeffrey, however, teaches wherein the first content object is a video object 106, and

wherein the fourth content object is an audio object 104.

With respect to claim 13, Elwahab fails to teach these limitations.

Jeffrey, however, teaches wherein abstracting the first content object includes separating

an audio portion from a video portion of the video object as signal separator 102.

With respect to claim 14, Elwahab teaches wherein the first content object is a video

object, and wherein the fourth content object is an Internet object (Markup-language-Type

content; [0015]). Elwahab fails to teach a video object whereas Jeffrey teaches a video object

106.

With respect to claim 16, the limitations of this claim are rejected substantially the same

as those of claims 11-13 for being similar. Furthermore, Elwahab fails to teach removing a

visual portion of the video object, and wherein the second content object includes an audio

portion of the video object.

Jeffrey, however teaches this limitation as the function of signal separator to separate and

audio/video signal.

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because combining the

teachings of Jeffrey with Those of Elwahab would have provided the advantage of efficiently

integrating broadcast and telecommunications signals from a variety of sources. A further

advantage would be permitting interactive signal selection (col. 2 lines 16-30).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Elwahab and Jeffrey as applied to claims 11-13, 16 and 20 above and further in view of Baer

et al ('Baer' hereinafter) (U.S. Patent 6,611,840).

With respect to claim 15, the combination of Elwahab and Jeffrey fail to teach these

limitations.

Baer, however teaches wherein the method further comprises: identifying a content object

associated with one of the first plurality of content object entities that has expired (as an object

entity expiration date; col. 13, lines 49-52); and removing the identified content object as

removing content (abstract) for deleting and purging information.

It would have been obvious to one of ordinary skill in the data processing art at the time

of the present invention to combine the teachings of the cited references because the teaching of

Baer would have provided the combination of Elwahab and Jeffrey's invention a way to delete information not in use after expiration.

Response to Arguments

Applicant's arguments filed 10/12/2007 have been fully considered but they are not persuasive.

Applicant argues on page 10 of the remarks filed that Elwahab does not disclose abstracting a first content object from a first content object entity and then distinguishing the resulting second content object into a third content object that is compatible with a second content object entity. The Examiner respectfully disagrees given the following:

In a system of controlling smart devices, Elwahab teaches accessing a first content object (i.e. loading an API specification from storage 20 and paragraph 0011). The API specification sufficiently teaches a "content object" because as can be broadly interpreted, the Applicant's "content object" is essentially content that is retrieved from a storage. The API specification contains fields 58 to justify being a content object. Further, the API specification may be in a first content format (i.e. an XML or flat file).

Moreover, once the API specification is retrieved, it is then published (i.e. by SDIP 18) to a markup page (30, 32) in a device such as a laptop computer (paragraph 0009). The publishing of the API specification from, for example a flat text file, into a [XML or HTML] markup page teaches the abstracting of the data type of the first content object to create a second content object in an abstract format. Also, the converting of the API specification (paragraph 0024) into a set of commands describes abstracting the first content object (API specification) to create a

second content object in an abstract format (i.e. the converted objects). The Examiner submits that once the API specification is in a markup format, that it is compatible with a plurality of content formats.

Furthermore, in passing the API specification (in a markup format) to a device, Elwahab inherently teaches distinguishing the data type of the second content object (e.g. the markup page) to communicate to the appropriate device. In other words, the API specification contains controlling parameters (commands) of a device (Elwahab, abstract). When a command is specified (i.e. by a user), that command sent to the respective device would have to be distinguished into a third object so that it could be communicated effectively to the device. For example, a command (from [0039]-[0049]) chosen from a smart CD/cassette player API specification would need to be distinguished (i.e. converted) into a format that is compatible with the CD/cassette player because that device may not be XML compliant.

Applicant's arguments, see bottom of page 10, of the remarks with respect to the argument that Elwahab does not disclose content objects that the content object entities are capable of storing, sourcing, or utilizing content objects has been considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Eytchison. In light of the above, Eytchison is seen to teach at least this feature. In view of the new grounds of rejection, arguments pertaining to claims 18-20 and 22-23 are now moot.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.
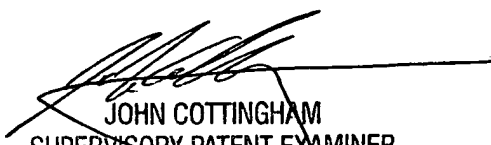
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin

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